

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: DIET DRUGS (Phentermine/ Fenfluramine/Dexfenfluramine) PRODUCTS LIABILITY LITIGATION	:	MDL DOCKET NO. 1203
THIS DOCUMENT RELATES TO:	:	
JOYCE HARRIS, et al., v. AMERICAN HOME PRODUCTS CORPORATION, et al.,	:	CIVIL ACTION NO. 04-20224

**PRETRIAL ORDER NO.**

AND NOW, this            day of July, 2004, for the reasons  
set forth herein, it is hereby ORDERED that:

(1) the motion of plaintiffs in the above-captioned  
action to remand is DENIED; and

(2) all defendants in the above-captioned action  
except American Home Products Corporation, Wyeth-Ayerst  
Laboratories, and Interneuron Pharmaceuticals are DISMISSED.

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The complaint was originally filed by 230 plaintiffs,  
175 of whom allege to be Mississippi citizens, in the Circuit  
Court of Forrest County, Mississippi, on October 7, 2002, more  
than five years after Wyeth's diet drugs Pondimin and Redux were  
withdrawn from the market in September, 1997. The defendants  
include Wyeth and its related companies; Interneuron  
Pharmaceuticals, a co-promoter of the diet drugs; prescribing  
physicians; and various pharmacies. Some of the defendants,  
including Wyeth and its related companies, are of diverse

citizenship while others are not. There are no federal claims alleged. Wyeth timely removed this action to the federal district court for the Southern District of Mississippi. This case was then transferred to this court as part of MDL 1203.

For the reasons set forth in Memorandum and Pretrial Order No. ("PTO") 3281 in French, et al. v. Wyeth, et al., CIV. A. No. 03-20353 (E.D. Pa. Feb. 18, 2004) with respect to the Mississippi physician defendants, and Memorandum and PTO No. 3339 in Jamison, et al. v. Wyeth, et al., CIV. A. No. 03-20317 (E.D. Pa. Mar. 5, 2004) with respect to Mississippi pharmacy defendants, we find and conclude that all defendants except Wyeth and its related companies are fraudulently joined to avoid federal subject matter jurisdiction. Accordingly, we are denying plaintiffs' motion to remand.

BY THE COURT:

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J.